

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

*In re Dealer Management Systems Antitrust
Litigation, MDL 2817*

No. 1:18-cv-00864

This document relates to:

*Authenticom, Inc. v. CDK Global, LLC et al.,
No. 1:18-cv-00868 (N.D. Ill.)*

Hon. Robert M. Dow, Jr.

Magistrate Judge Jeffrey T. Gilbert

**DEFENDANT CDK GLOBAL, LLC'S RESPONSE TO
AUTHENTICOM, INC.'S STATEMENT REGARDING PROPOSED BRIEFING
SCHEDULE FOR REYNOLDS'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

In its Statement concerning the briefing schedule for The Reynolds & Reynolds Company's ("Reynolds") Motion for Partial Summary Judgment, Plaintiff Authenticom, Inc. ("Authenticom") repeatedly asserts that counsel for CDK Global, LLC ("CDK") made a "request to participate in the briefing" of the partial summary judgment motion at the presentment hearing on October 24. Dkt. 806 at 10; *see also id.* at 2, 4. That completely mischaracterizes counsel's statements. As the transcript makes clear, CDK did not seek leave to participate in the substantive briefing of Reynolds's motion for summary judgment during the October 24 hearing. Rather, CDK simply reserved the right to file an "amicus" regarding the appropriate schedule that would apply to the briefing of that motion in the event Authenticom's scheduling brief attempted to substantively argue the merits of CDK's counterclaims.

Although Authenticom's Statement does not overtly attempt to address CDK's counterclaims, in several instances it notes the similarity of those counterclaims to the Reynolds counterclaims at issue. To the extent that Authenticom's arguments as to the substance of Reynolds's counterclaims purport, by implication or otherwise, to apply to CDK's counterclaims—for example, Authenticom's insistence that expert testimony is necessary to

adjudicate some or all of those claims (*see* Dkt. 806 at 6)—CDK disagrees with all such arguments. As CDK is not a party to Reynolds's motion for partial summary judgment, however, CDK will not litigate its counterclaims at this time, but reserves its right to do so on the agreed-upon schedule or as otherwise ordered by the Court.

CDK takes no position on the scheduling of Reynolds's motion.

Dated: November 6, 2019

Respectfully submitted,

/s/ Britt M. Miller
Britt M. Miller
Matthew D. Provance
MAYER BROWN LLP
71 South Wacker Drive
Chicago, IL 60606
(312) 782-0600
bmiller@mayerbrown.com
mprovance@mayerbrown.com

Mark W. Ryan
MAYER BROWN LLP
1999 K Street NW
Washington, DC 20006
(202) 263-3000
mryan@mayerbrown.com

*Counsel for Defendant
CDK Global, LLC*

CERTIFICATE OF SERVICE

I, Britt M. Miller, an attorney, hereby certify that on November 6, 2019, I caused a true and correct copy of the foregoing **DEFENDANT CDK GLOBAL, LLC'S RESPONSE TO AUTHENTICOM, INC.'S STATEMENT REGARDING PROPOSED BRIEFING SCHEDULE FOR REYNOLDS'S MOTION FOR PARTIAL SUMMARY JUDGMENT** to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/s/ Britt M. Miller

Britt M. Miller
MAYER BROWN LLP
71 South Wacker Drive
Chicago, IL 60606
Phone: (312) 782-0600
Fax: (312) 701-7711
E-mail: bmiller@mayerbrown.com